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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to improve the safety of food, meat, and poultry products through enhanced traceability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. DEGETTE introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to improve the safety of food, meat, and poultry products through enhanced traceability, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tracing and Recalling
5 Agricultural Contamination Everywhere Act of 2009” or
6 “TRACE Act of 2009”.

1 **SEC. 2. TRACEABILITY OF FOOD.**

2 The Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. 301 et seq.) is amended—

4 (1) in section 301, by inserting at the end the
5 following:

6 “(oo) The failure to comply with any requirement of
7 section 414A (relating to the traceability of food).”; and

8 (2) in chapter IV, by inserting after section 414
9 the following:

10 **“SEC. 414A. TRACEABILITY OF FOOD.**

11 “(a) ESTABLISHMENT OF SYSTEM.—Not later than
12 1 year after the date of the enactment of this section, the
13 Secretary shall establish a traceability system described in
14 subsection (b) for all stages of manufacturing, processing,
15 packaging, and distribution of food.

16 “(b) DESCRIPTION OF SYSTEM.—The traceability
17 system required by subsection (a) shall require each article
18 of food shipped in interstate commerce to be identified in
19 a manner that enables the Secretary to retrieve the his-
20 tory, use, and location of the article through a record-
21 keeping and audit system or registered identification.

22 “(c) RECORDS.—

23 “(1) IN GENERAL.—The Secretary may require
24 that each person, firm, and corporation required to
25 identify an article of food pursuant to subsection (b)
26 maintain accurate records, as prescribed by the Sec-

1 retary, regarding the purchase, sale, and identifica-
2 tion of the article.

3 “(2) ACCESS.—Each person, firm, and corpora-
4 tion described in paragraph (1) shall, at all reason-
5 able times, on notice by a duly authorized represent-
6 ative of the Secretary, allow the representative to ac-
7 cess to each place of business of the person, firm, or
8 corporation to examine and copy the records de-
9 scribed in paragraph (1).

10 “(3) DURATION.—Each person, firm, and cor-
11 poration described in paragraph (1) shall maintain
12 records required to be maintained under this sub-
13 section for such period of time as the Secretary pre-
14 scribes.

15 “(d) FALSE INFORMATION.—No person, firm, or cor-
16 poration shall falsify or misrepresent to any other person,
17 firm, or corporation, or to the Secretary, any information
18 as to any location at which any article of food was held.

19 “(e) ALTERATION OR DESTRUCTION OF RECORDS.—
20 No person, firm, or corporation shall, without authoriza-
21 tion from the Secretary, alter, detach, or destroy any
22 records or other means of identification prescribed by the
23 Secretary for use in determining the location at which any
24 article of food was held.”.

1 **SEC. 3. TRACEABILITY OF LIVESTOCK.**

2 Title I of the Federal Meat Inspection Act (21 U.S.C.
3 601 et seq.) is amended by adding at the end the fol-
4 lowing:

5 **“SEC. 26. TRACEABILITY OF LIVESTOCK, MEAT, AND MEAT**
6 **PRODUCTS.**

7 “(a) DEFINITION OF TRACEABILITY.—In this sec-
8 tion, the term ‘traceability’ means the ability to retrieve
9 the history, use, and location of an article through a rec-
10 ordkeeping and audit system or registered identification.

11 “(b) REQUIREMENTS.—

12 “(1) IN GENERAL.—Cattle, sheep, swine, goats,
13 and horses, mules, and other equines presented for
14 slaughter for human food purposes, and the car-
15 casses or parts of carcasses and the meat and meat
16 food products of those animals, shipped in interstate
17 commerce shall be identified in a manner that en-
18 ables the Secretary to trace—

19 “(A) each animal to any premises or other
20 location at which the animal was held at any
21 time before slaughter; and

22 “(B) each carcass or part of a carcass and
23 meat and meat food product of such animals
24 forward from slaughter through processing and
25 distribution to the ultimate consumer.

1 “(2) TRACEABILITY SYSTEM.—Not later than 1
2 year after the date of the enactment of this section,
3 the Secretary shall establish a traceability system for
4 all stages of production, processing, and distribution
5 of meat and meat food products that are produced
6 through the slaughter of animals described in para-
7 graph (1).

8 “(c) PROHIBITION OR RESTRICTION ON ENTRY.—
9 The Secretary may prohibit or restrict entry into any
10 slaughtering establishment inspected under this Act of any
11 cattle, sheep, swine, goats, or horses, mules, or other
12 equines not identified as prescribed by the Secretary under
13 subsection (b).

14 “(d) RECORDS.—

15 “(1) IN GENERAL.—The Secretary may require
16 that each person, firm, and corporation required to
17 identify livestock pursuant to subsection (b) main-
18 tain accurate records, as prescribed by the Sec-
19 retary, regarding the purchase, sale, and identifica-
20 tion of the livestock.

21 “(2) ACCESS.—Each person, firm, and corpora-
22 tion described in paragraph (1) shall, at all reason-
23 able times, on notice by a duly authorized represent-
24 ative of the Secretary, allow the representative to ac-
25 cess to each place of business of the person, firm, or

1 corporation to examine and copy the records de-
2 scribed in paragraph (1).

3 “(3) DURATION.—Each person, firm, and cor-
4 poration described in paragraph (1) shall maintain
5 records required to be maintained under this sub-
6 section for such period of time as the Secretary pre-
7 scribes.

8 “(e) FALSE INFORMATION.—No person, firm, or cor-
9 poration shall falsify or misrepresent to any other person,
10 firm, or corporation, or to the Secretary, any information
11 as to any premises at which any cattle, sheep, swine,
12 goats, horses, mules, or other equines, or carcasses there-
13 of, were held.

14 “(f) ALTERATION OR DESTRUCTION OF RECORDS.—
15 No person, firm, or corporation shall, without authoriza-
16 tion from the Secretary, alter, detach, or destroy any
17 records or other means of identification prescribed by the
18 Secretary for use in determining the premises at which
19 were held any cattle, sheep, swine, goats, horses, mules,
20 or other equines, or the carcasses thereof.

21 “(g) RELATION TO COUNTRY OF ORIGIN LABEL-
22 ING.—Nothing contained in this section prevents or inter-
23 feres with implementation of the country of origin labeling
24 requirements of subtitle D of the Agricultural Marketing
25 Act of 1946 (7 U.S.C. 1638 et seq.).”.

1 **SEC. 4. TRACEABILITY OF POULTRY.**

2 The Poultry Products Inspection Act is amended by
3 inserting after section 23 (21 U.S.C. 467e) the following:

4 **“SEC. 23A. TRACEABILITY OF POULTRY AND POULTRY**
5 **PRODUCTS.**

6 “(a) DEFINITION OF TRACEABILITY.—In this sec-
7 tion, the term ‘traceability’ means the ability to retrieve
8 the history, use, and location of an article through a rec-
9 ordkeeping and audit system or registered identification.

10 “(b) REQUIREMENTS.—

11 “(1) IN GENERAL.—Poultry presented for
12 slaughter for human food purposes and poultry
13 products shipped in interstate commerce shall be
14 identified in a manner that enables the Secretary to
15 trace—

16 “(A) each animal to any premises or other
17 location at which the animal was held at any
18 time before slaughter; and

19 “(B) each poultry product forward from
20 slaughter through processing and distribution
21 to the ultimate consumer.

22 “(2) TRACEABILITY SYSTEM.—Not later than 1
23 year after the date of the enactment of this section,
24 the Secretary shall establish a traceability system for
25 all stages of production, processing, and distribution
26 of poultry and poultry food products that are pro-

1 duced through the slaughter of animals described in
2 paragraph (1).

3 “(c) PROHIBITION OR RESTRICTION ON ENTRY.—

4 The Secretary may prohibit or restrict entry into any
5 slaughtering establishment inspected under this Act of any
6 poultry not identified as prescribed by the Secretary.

7 “(d) RECORDS.—

8 “(1) IN GENERAL.—The Secretary may require
9 that each person, firm, and corporation required to
10 identify poultry pursuant to subsection (b) maintain
11 accurate records, as prescribed by the Secretary, re-
12 garding the purchase, sale, and identification of the
13 poultry.

14 “(2) ACCESS.—Each person, firm, and corpora-
15 tion described in paragraph (1) shall, at all reason-
16 able times, on notice by a duly authorized represent-
17 ative of the Secretary, allow the representative to ac-
18 cess to each place of business of the person, firm, or
19 corporation to examine and copy the records de-
20 scribed in paragraph (1).

21 “(3) DURATION.—Each person, firm, and cor-
22 poration described in paragraph (1) shall maintain
23 records required to be maintained under this sub-
24 section for such period of time as the Secretary pre-
25 scribes.

1 “(e) FALSE INFORMATION.—No person, firm, or cor-
2 poration shall falsify or misrepresent to any other person,
3 firm, or corporation, or to the Secretary, any information
4 as to any premises at which any poultry, or carcasses
5 thereof, were held.

6 “(f) ALTERATION OR DESTRUCTION OF RECORDS.—
7 No person, firm, or corporation shall, without authoriza-
8 tion from the Secretary, alter, detach, or destroy any
9 records or other means of identification prescribed by the
10 Secretary for use in determining the premises at which
11 were held any poultry or the carcasses thereof.

12 “(g) RELATION TO COUNTRY OF ORIGIN LABEL-
13 ING.—Nothing contained in this section prevents or inter-
14 feres with implementation of the country of origin labeling
15 requirements of subtitle D of the Agricultural Marketing
16 Act of 1946 (7 U.S.C. 1638 et seq.).”.

17 **SEC. 5. TRACEABILITY OF EGG PRODUCTS.**

18 The Egg Products Inspection Act is amended by in-
19 serting after section 18 (21 U.S.C. 1047) the following:

20 **“SEC. 18A. TRACEABILITY OF EGGS AND EGG PRODUCTS.**

21 “(a) ESTABLISHMENT OF SYSTEM.—Not later than
22 1 year after the date of the enactment of this section, the
23 Secretary shall establish a traceability system described in
24 subsection (b) for all stages of manufacturing, processing,
25 packaging, and distribution of eggs and egg products.

1 “(b) DESCRIPTION OF SYSTEM.—The traceability
2 system required by subsection (a) shall require each egg
3 or egg product shipped in interstate commerce to be iden-
4 tified in a manner that enables the Secretary to retrieve
5 the history, use, and location of the egg or egg product
6 through a recordkeeping and audit system or registered
7 identification.

8 “(c) RECORDS.—

9 “(1) IN GENERAL.—The Secretary may require
10 that each person, firm, and corporation required to
11 identify eggs or egg products pursuant to subsection
12 (b) maintain accurate records, as prescribed by the
13 Secretary, regarding the purchase, sale, and identi-
14 fication of the eggs or egg products.

15 “(2) ACCESS.—Each person, firm, and corpora-
16 tion described in paragraph (1) shall, at all reason-
17 able times, on notice by a duly authorized represent-
18 ative of the Secretary, allow the representative to ac-
19 cess to each place of business of the person, firm, or
20 corporation to examine and copy the records de-
21 scribed in paragraph (1).

22 “(3) DURATION.—Each person, firm, and cor-
23 poration described in paragraph (1) shall maintain
24 records required to be maintained under this sub-

1 section for such period of time as the Secretary pre-
2 scribes.

3 “(d) FALSE INFORMATION.—No person, firm, or cor-
4 poration shall falsify or misrepresent to any other person,
5 firm, or corporation, or to the Secretary, any information
6 as to any location at which any eggs or egg products were
7 held.

8 “(e) ALTERATION OR DESTRUCTION OF RECORDS.—
9 No person, firm, or corporation shall, without authoriza-
10 tion from the Secretary, alter, detach, or destroy any
11 records or other means of identification prescribed by the
12 Secretary for use in determining the locations at which
13 were held any eggs or egg products.”.